

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NEAL A. HANN, JR.,

Plaintiff,

v.

Case No. 13-CV-14616  
Honorable Denise Page Hood

NESTLE USA, INC., a foreign corporation,  
And DREYER'S GRAND ICE CREAM  
COMPANY, d/b/a NESTLE DSD CO., a  
foreign corporation,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS THE  
COMPLAINT PURSUANT TO RULE 12(B)(6) [#5]**

This matter comes before the Court pursuant to Defendants' Motion to Dismiss the Complaint Pursuant to Rule 12(b)(6). [**Docket No. 5, filed December 12, 2013**]

The Complaint in this matter is nearly identical to the Complaint in another matter before this Court, *see Hann v. Nestle, et al*, Case No. 13-CV-11934, the only difference being that in the instant matter, Plaintiff seeks relief pursuant to the Americans With Disabilities Act of 1990, as amended (42 USC 12101 et seq.), and in the previous matter, Plaintiff sought relief pursuant to the Persons With Disabilities Civil Rights Act (MCL 37.1201, et seq.). For the reasons stated in this Court's Order

Granting Defendants' Motion to Dismiss in Case No. 13-CV-11934,

**IT IS ORDERED** that Defendant's Motion to Dismiss the Complaint Pursuant to Rule 12(b)(6) [**Docket No. 5, filed December 12, 2013**] is **GRANTED**.

**IT IS FURTHER ORDERED** that this matter is **DISMISSED**.

**IT IS SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: March 31, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 31, 2014, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager